

REMARKS

The Office Action dated March 6, 2007, has been reviewed carefully and the application has been amended in response thereto.

Information Disclosure Statement

The “Cabuz” reference noted as missing from the file by the Examiner has been found to be substantially set forth in U. S. Patent No. 6,179,586, which is being submitted in the Information Disclosure Statement filed herewith. It is noted that the International Search Report documents referred to by the Examiner in connection with an earlier filed Information Disclosure Statement were reviewed by the Applicant, do not appear to be more pertinent than, nor non-cumulative of, the above mentioned U.S. Patent No. 6,179,586.

It is respectfully submitted that the claimed invention is patentable over the reference because the reference does not show a diaphragm and an additional diaphragm each being coupled to separate drivers that each apply a voltage to establish a predetermined voltage differential to draw its respective diaphragm to the desired electrode in order to open and close the shutter (Claim 10 as amended). In addition, the reference does not show the first electrode being flat and the second electrode being of a dome shape (Claim 11). The remaining claims depend from Claim 10 and it is respectfully submitted that such claims are patentable over the cited reference.

Claim Rejections

The independent claims that were rejected under 35 U.S.C. §102 in view of the Sherman reference have been either cancelled herein or amended to depend from amended independent claim 10, which for the reasons set forth herein are respectfully submitted as allowable. Claims 3, 4 and 5 are cancelled herein without prejudice as having been withdrawn in response to the Restriction Requirement, and Applicant reserves the right to present such claims in a continuation or divisional application.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/Rita M. Rooney/
Rita M. Rooney
Reg. No. 30,585
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500